

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA,**  
*Plaintiff,*

**v.**

**LUIS ALEJANDRO LOPEZ-SANTANA,**  
*Defendant*

**CRIM. NO. 17-006 (PAD)**

**UNITED STATES' SENTENCING MEMORANDUM**

**TO THE HONORABLE COURT:**

The United States of America, by and through the undersigned attorneys, very respectfully states and prays as follows:

**I. INTRODUCTION**

On May 11, 2017 defendant Luis Alejandro LOPEZ-Santana pled guilty to the One-Count of the Indictment (Reentry of Removed Aliens), in violation of Title 8, *United States Code*, Section 1326(a), by way of a straight plea.

The United States agrees with the Probation Officer's calculation of the sentencing guidelines as contained in the Presentence Report (DE No. 22) and, in consequence, it respectfully submits that a sentence within the applicable guidelines of a Total Offense Level (TOL) of 6 (0-6) followed by a Term of Supervised Release as required by law, is sufficient but not greater than necessary and would address the seriousness of the offense and would achieve the necessary deterrence.

**II. FACTUAL BACKGROUND**

On December 18, 2016, United States Border Patrol, Ramey Sector Communications received information via telephone, of a possible Maritime Smuggling Event (MSE), from the

Puerto Rico Police Department “Fuerzas Unidas de Rapida Accion” (FURA) located in Boquerón, Cabo Rojo. FURA indicated that while conducting a routinely maritime patrol, they had encountered and intercepted a vessel with two male subjects onboard, approximately one mile west of “Club El Deportivo” yacht club near Joyudas, Cabo Rojo. The intercepted vessel is a 2000, black and white in color, model Mako, 25 ft. in length with two (225HP) Yamaha outboard engines, with Puerto Rico registration number (PR2323), and the name of “YARELY”. The vessel had four (4) drums fuel containers onboard, of approximately sixteen (16) gallons of gasoline each; in addition to having the boat’s fuel tank full. These heavy and excessive amount of gasoline raised suspicion as to the possible distance in regards to their boat trip venture. Although the vessel was navigating with the required navigation lights, in accordance to maritime law, it was headed towards a well-known area considered a migrant transit vector near Mona Island, Puerto Rico.

At the time, both subjects stated that they had paid two thousand (\$2,000.00USD) dollars to rent that vessel. The vessel’s registered owner was identified as Nicolas Linares Ciprian with address in Carolina, Puerto Rico. The registered owner was not present at the time of the intercept. Because both subjects were operating the vessel without a valid navigational license or permit from the Puerto Rico Department of Natural Resources (DRNA), they were escorted to the FURA Cabo Rojo Maritime Precinct for further investigation.

While at the FURA Cabo Rojo police station, one of the two subjects was identified as Luis Alejandro LOPEZ-SANTANA. Ramey Station Border Patrol Agents arrived to the Boquerón, Cabo Rojo FURA police station to interview the detained subjects. As a result, Border Patrol Agents were able to determine that LOPEZ-Santana, was a citizen and national of the Dominican Republic illegally present in the United States.

Although LOPEZ-Santana invoked his right to remain silent, he did indicate during the processing and administrative proceedings that his last illegal entry to the United States was on October 15, 2016 near Aguadilla, Puerto Rico.

Further record checks revealed that LOPEZ-Santana had immigration and criminal history.

On October 24, 2008, LOPEZ-Santana was arrested by the Puerto Rico Police Department (FURA) for charges of Dangerous Drugs-Tentative or Conspiracy and for illegally entering the United States near Cabo Rojo, Puerto Rico. On January 7, 2009, LOPEZ-Santana was granted a Voluntary Departure by an Immigration Judge and officially departed on January 14, 2009, from the San Juan, Puerto Rico to the Dominican Republic.

On April 27, 2011, LOPEZ-Santana illegally entered United States territorial waters near Mona Island, Puerto Rico. LOPEZ-Santana was processed for Expedited Removal and for 8 USC 1325 (Entry without Inspection) by Ramey Station Agents. On June 16, 2011, LOPEZ-Santana was officially removed from the United States from the Port of Miami, Florida to the Dominican Republic.

On May 10, 2011, LOPEZ-Santana was convicted after pleading guilty at the United States District Court of Puerto Rico for violations to Title 8, *United States Code*, §1325.

### **III. PENALTIES**

The maximum penalties for **COUNT ONE** include a term of imprisonment for two (2) years; a term of supervised release of no more than one (1) year; and a fine not to exceed \$250,000.00.

**WHEREFORE**, the United States, very respectfully, submits that a sentence within the applicable guidelines of a Total Offense Level (TOL) of 6 (0-6), followed by a Term of Supervised

Release of one (1) year, is sufficient but not greater than necessary and would address the seriousness of the offense and would achieve the necessary deterrence.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 22<sup>th</sup> day of June 2017.

**ROSA EMILIA RODRIGUEZ-VÉLEZ**

United States Attorney

*s/ Cristina Caraballo-Colón*

**CRISTINA CARABALLO-COLÓN**

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel for the defendant.

*s/ Cristina Caraballo-Colon*

**CRISTINA CARABALLO-COLÓN**

USDC-PR No. 300508

Special Assistant United States Attorney